

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>WALTER HUMPHREY,</b>	:	
<b>Plaintiff,</b>	:	<b>1:09-cv-1689</b>
	:	
<b>v.</b>	:	<b>(Chief Judge Kane)</b>
	:	
<b>“JOHN DOE OFFICER ONE,” “JOHN</b>	:	
<b>DOE OFFICER TWO,” “JOHN DOE</b>	:	
<b>PRISONER TRANSPORT COMPANY,”</b>	:	
<b>and DAUPHIN COUNTY,</b>	:	
<b>Defendants.</b>	:	

**MEMORANDUM ORDER**

Pending before the Court is a letter from Plaintiff Walter Humphrey, (Doc. No. 49), requesting that the Court appoint legal counsel to represent him. A district court does have discretionary authority to “request an attorney to represent any person unable to afford counsel.” 28 U.S.C. § 1915(e)(1). “If the district court determines that the plaintiff’s claim has arguable merit in fact and law, the court should then consider a number of additional factors that bear on the need for appointed counsel.” Tabron v. Grace, 6 F.3d 147, 155 (3d Cir.1993). Such factors include: 1) the plaintiff’s ability to present his own case; 2) the difficulty of the particular legal issues; 3) the degree to which factual investigation will be necessary and the ability of the plaintiff to pursue investigation; 4) the plaintiff’s capacity to retain counsel on his own behalf; 5) the extent to which a case is likely to turn on credibility determinations; and 6) whether the case will require testimony from expert witnesses. Montgomery v. Pinchak, 294 F.3d 492, 499 (3d Cir. 2002) (citing Tabron, 6 F.3d at 155-57). This list of factors is not exhaustive. Tabron, 6 F.3d at 157.

The Court does not find that the combined factors weigh in favor of granting Plaintiff’s

request for Court-appointed counsel. The issues presented in this case are not overly complex, and the Court has not yet determined that the case merits the extremely valuable time of a volunteer lawyer. The Court will deny Plaintiff's request, but will further consider the need for counsel as the case progresses.

**ACCORDINGLY**, this 21<sup>st</sup> day of May 2010, upon consideration of Plaintiff's letter requesting that the Court appoint legal counsel (Doc. No. 49), **IT IS HEREBY ORDERED THAT** the request is **DENIED**.

S/ Yvette Kane  
Yvette Kane, Chief Judge  
United States District Court  
Middle District of Pennsylvania